



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/401,229 03/09/95 TANG

W 50169/105/EN

ESM1/0909

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ART UNIT PAPER NUMBER

2501

14

DATE MAILED:

09/09/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined. Responsive to communication filed on August 13, 1996* This action is made final.
A shortened statutory period for response to this action is set to expire THREE (3) month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of informal Patent Application, Form PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claim(s) 17 - 38 are pending in the application.
Of the above, claim(s) _____ are withdrawn from consideration.
2. Claim(s) 1 - 16 have been canceled.
3. Claim(s) 17 - 35 are allowed.
4. Claim(s) 36 - 38 are rejected.
5. Claim(s) _____ are objected to.
6. Claim(s) _____ are subject to restriction or election requirement.
7. This application has been filed with informal drawing(s) under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. Formal drawing(s) are required in response to this Office action.
9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable. not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).
11. The proposed drawing correction(s), filed on _____, has been approved. disapproved (see explanation).
12. Acknowledgment is made of the claim for priority under 35 USC 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. Other * In accordance with the request filed pursuant to 37 CFR 1.129(a), the finality of the previous Office Action is withdrawn.

EXAMINER'S ACTION

Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.129(a). Applicant's first submission after final filed on August 13, 1996, has been entered.

As indicated in the Advisory Action mailed on July 9, 1996 (paper no. 11), the amendments to the claims (now having been entered) result in the allowability of claims 17-30. Regarding claims 31-38, the latest amendments have substantially changed the scope of these claims as explained by the Examiner in the above identified Advisory Action, and they have been re-examined in light of the limitations now set forth therein. For reasons set forth below, claims 31-38 are also now deemed to recite patentable subject matter. The following rejection, however, is necessitated by applicant's latest amendments. This action is **not** made final.

Claims 36-38 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 18 of amended claim 36, the words "which is not" have been deleted after the word "substrate" without the required indication (37 CFR 1.121). This deletion results in a substantial change in meaning in the claim, in that

it is part of the phrase which defines the orientation of the light source with respect to the substrate (the side of the substrate which is undergoing polishing versus the side which is not undergoing polishing). It is thus unclear what the intended orientation is, and the claim is accordingly indefinite. Claims 37 and 38 are included in the rejection since they depend from claim 36 and thus inherently contain the same deficiency.

Claims 17-35 are allowable over the prior art of record. Claims 17-30 are allowable for reasons clearly developed during the earlier prosecution. Claims 31-35 are allowable because the prior art does not disclose or suggest a chemical mechanical polishing device having an electrical slingshot, light source, photodetector, and analyzing means which are functionally and structurally arranged in the manner set forth in applicant's claim 31.

For the same reason, claims 36-38 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 4,711,516 to Graber shows (in Figure 1) an electrical slingshot and photodetector assembly for use in a steering column of a vehicle.

Any inquiry concerning this communication should be directed to Examiner John D. Lee at telephone number (703) 308-4886.

John D. Lee
JOHN D. LEE
PRIMARY PATENT EXAMINER
GROUP ART UNIT 251